

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SANDRA LUTCHMAN,

Plaintiff,

-against-

COSTCO WHOLESALE CORPORATION and
JOHN DOE, Said Name Being Fictitious and
Intended to be the Employee of COSTCO
WHOLESALE CORPORATION,

Defendants.

Docket No.:

NOTICE OF REMOVAL

**TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK:**

Defendant, Costco Wholesale Corporation (hereinafter “Costco”), for the removal of this action from the Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York, respectfully shows this Honorable Court:

FIRST: Costco is the defendant in a civil action brought against it in the Supreme Court of the State of New York, County of Queens; entitled:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

SANDRA LUTCHMAN,

Plaintiff,

-against-

COSTCO WHOLESALE CORPORATION and
JOHN DOE, Said Name Being Fictitious and
Intended to be the Employee of COSTCO
WHOLESALE CORPORATION

Defendants.

Index No.: 723123/2021

SECOND: A copy of the Summons and Verified Complaint in this action is annexed hereto as **Exhibit “A”**. A copy of Costco’s Verified Answer is annexed hereto as **Exhibit “B”**. These exhibits constitute all pleadings and orders served upon any active party in this action.

THIRD: Plaintiff has served Costco with responses to its initial demands, including a Verified Bill of Particulars and Response to Defendants’ Combined Demands. A copy of Plaintiff’s Verified Bill of Particulars is annexed hereto as **Exhibit “C”**. A copy of Plaintiff’s Response to Defendants’ Combined Demands is annexed hereto as **Exhibit “D”**.

FOURTH: Plaintiff has alleged that due to Costco’s negligence, she has suffered various personal injuries. Exhibit D at ¶ 9. In response to Costco’s Demand Pursuant to CPLR §3017(c), Plaintiff responded that she deems herself entitled to \$1 million dollars. Accordingly, it is clear that the amount of controversy in this matter exceeds \$75,000 exclusive of interests and costs. *See* Exhibit D. Less than thirty (30) days have elapsed since receipt of this discovery.

FIFTH: This action is one over which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1332, and is one which may be removed to this Court by Defendant, Costco, pursuant to the provisions of Title 28 United States Code, Section 1441, in that, it is a civil action brought in a Supreme Court against a foreign corporation whose principal place of business is outside of the State of New York, by a citizen of the State of New York, with the amount in controversy exceeding the sum or value of \$75,000.00, exclusive of interest and costs.

[Remainder of Page Intentionally Left Blank]

WHEREFORE, the defendant, Costco, prays that the above action now pending against it in the Supreme Court of the State of New York, County of Queens, be removed from there to this Court.

Dated: New York, New York
March 29, 2022

CONNELL FOLEY LLP

By:


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